

Case No.: 5:20-cv-00157-KDB-DCK

Defendants.

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with Standing Order 5:19-MC-5. On October 22, 2020, Plaintiff called undersigned counsel and the parties rescheduled to call for November 2, 2020 at 2:00pm. On November 2, 2020, undersigned counsel called the Plaintiff and attempted to ascertain if there was any common ground upon which the parties could discuss a resolution of this matter. Plaintiff repeatedly made claims wholly unsupported by any valid legal theory (which are more thoroughly described in the memorandum in support of Defendants Motion to Dismiss) and it was clear that the discussion would not be fruitful. Plaintiff become combative when undersigned counsel would not engage in an analysis of his legal theories and after 22 minutes, Plaintiff was informed that undersigned counsel would hang up the phone. Undersigned counsel does not believe any further communication with Plaintiff will bring about a different result and thereby files this notice with the Court of her efforts to comply with the Court's Standing Order, and the impossibility to do so in light of the legal theories and nature of the Plaintiff's complaint.

This, the 23<sup>rd</sup> day of November, 2020.

/s/ Elizabeth Curran O'Brien  
Elizabeth Curran O'Brien  
Special Deputy Attorney General  
N.C. Department of Justice

**CERTIFICATE OF SERVICE**

This is to certify that the undersigned has this day electronically filed the foregoing **NOTICE OF ATTEMPT TO COMPLY WITH STANDING ORDER REQUIRING INITIAL SETTLEMENT CONFERENCE IN CIVIL CASES ON BEHALF OF DEFENDANTS DUNCAN, TERRY, BARLOW AND LEVCHUK** with the Clerk of the court using the CM/ECF system which will send notification of such filing to the parties of record who participate in the CM/ECF system and placed a copy of the same in the U.S. Mail, postage-prepaid, addressed to the following individual:

Curtis Edwin Leyshon  
915 North Pine Run Road  
Boone, NC 28607  
*Pro Se Plaintiff*

This, the 23<sup>rd</sup> day of November, 2020.

/s/ Elizabeth Curran O'Brien  
Elizabeth Curran O'Brien  
Special Deputy Attorney General  
N.C. Department of Justice